

Attorney Docket No. LEAP:122US
U.S. Patent Application No. 10/614,638
Reply to Office Action of June 30, 2004
Date: September 30, 2004

Remarks

Amendment to Abstract

The Examiner noted in the instant Office Action that the Abstract should be in narrative form and within the range of about 50 to 150 words. In addition, the Abstract should not contain legal phraseology. Applicant thanks the Examiner for pointing out this desired format. Applicant has amended the Abstract to the instant application so as to contain about 150 words and to omit legal phraseology.

The § 102 (b) Rejections of Claims 1-28

The Examiner has rejected Claims 1-28 under 35 U.S.C. §102 (b) as anticipated by United States Patent No. 5,532,878 to Suenaga, et al. ("the '878 patent"). Applicant has cancelled Claims 23-28 thereby rendering the rejections of those claims moot. Applicant respectfully traverses the rejection of Claims 1-22 and requests reconsideration.

The Examiner states that the '878 patent discloses the claimed optical arrangement claimed in Claims 1-22. Applicant courteously points out that independent Claim 1, from which Claims 2-11 depend, claims in part "a seventh lens element having at least one lens, said seventh lens element having a positive power, and wherein the radius of curvature of the surface of said seventh lens element proximate to said object plane is less than or approximately equal to the radius of curvature of the surface of said seventh lens element distal to said object plane;". (Emphasis added.) Similarly independent Claim 12, from which Claims 13-22 depend, claims in part, "a seventh lens having a positive power, and wherein the radius of curvature of the surface of said seventh lens proximate to said object plane is less than or approximately equal to the radius of curvature of the surface of said seventh lens distal to said object plane;". (Emphasis added.) Applicant notes that the Examiner states that lens L15 is analogous to both the seventh lens element of Claim 1 and the seventh lens of Claim 12. Applicant respectfully points out that in Figures 1, 3, and 5 of the '878 patent, the radius of curvature of the surface of lens L15 closer (proximate) to the object plane (Surface 7) is larger than the radius of curvature of the surface of lens L15 further (distal) from the object plane (Surface 8). This can also be seen in Tables 1,

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3, and 5 of the '878 patent where in each table the radius of curvature of Surface 7 is larger than the radius of curvature of Surface 8.

"A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference." *Vandergaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). MPEP § 2131. (Emphasis added.) It is readily apparent that the '878 patent does not anticipate Claims 1 and 12 "as set forth in the claims" as the seventh lens element of Claim 1 and the seventh lens of Claim 12, respectively, both are specifically claimed as possessing smaller radii of curvatures for the proximate surface as compared to the distal surface of each of the same claim elements. This arrangement of the proximate and distal surfaces is the reverse of the surfaces as disclosed in the '878 patent. For this reason, Applicant respectfully submits that the '878 patent fails to anticipate independent Claims 1 and 12 under § 102 (b) and requests reconsideration.

Claims 2-11 and 13-22 depend from Claims 1 and 12, respectively, and thus incorporate all the limitations of those claims. Because, as discussed above, the '878 patent fails to anticipate all the elements of Claims 1 and 12, as set forth in those claims, it also fails to anticipate Claims 2-11 and 13-22. Applicants respectfully request the removal of the rejections to Claims 2-11 and 13-22 and passage to allowance of those claims.

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Conclusion

Applicant respectfully submits that the present application is now in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



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